

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 616

Introduced by Assembly Member Vargas

February 19, 2003

An act to ~~amend Section 22852 of~~ *add Section 22854.5 to* the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 616, as amended, Vargas. Vehicles: impoundment: storage notices.

(1) ~~Under~~ *Under* existing law, whenever an ~~authorized member officer or employee~~ of a public agency directs the storage of a vehicle *and does not know or is not able to ascertain the name of the owner of the vehicle*, the agency or person directing the storage is required to ~~provide the vehicle's registered and legal owners of record, or their agents, with the opportunity for a poststorage hearing to determine the validity of the storage and to mail or personally deliver a notice containing specific information to the registered and legal owners notify, or cause to be notified, the Department of Justice Stolen Vehicle System of the vehicle's removal.~~

The bill would ~~provide that for legal owners who participate in receiving the notice electronically, as specified, that electronic notice is sufficient. The bill would require the Department of Justice to determine which legal owners and their agents may participate in receiving notices electronically~~ *require the officer, employee, or public agency directing a storage to notify the National Law Enforcement Telecommunication System by transmitting by any means available,*

including, but not limited to, electronic means, the vehicle identification number and certain specified information.

(2) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 22852 of the Vehicle Code is amended~~

2 SECTION 1. Section 22854.5 is added to the Vehicle Code, to
3 read:

4 22854.5. Whenever an officer or employee of a public agency
5 directs the storage of a vehicle under this chapter, the officer,
6 employee, or agency directing that storage shall notify the
7 National Law Enforcement Telecommunication system by
8 transmitting by any means available, including, but not limited to,
9 electronic means, the vehicle identification number, the
10 information listed in paragraphs (1), (2), and (3) of subdivision (b)
11 of Section 22852, and the information described under Section
12 22853.

13 SEC. 2. Notwithstanding Section 17610 of the Government
14 Code, if the Commission on State Mandates determines that this
15 act contains costs mandated by the state, reimbursement to local
16 agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code. If the statewide cost of the
19 claim for reimbursement does not exceed one million dollars
20 (\$1,000,000), reimbursement shall be made from the State
21 Mandates Claims Fund.

22 ~~to read:~~

1 ~~22852. (a) Whenever an authorized member of a public~~
2 ~~agency directs the storage of a vehicle, as permitted by this chapter,~~
3 ~~or upon the storage of a vehicle as permitted herein (except as~~
4 ~~provided in subdivision (f) or (g)), the agency or person directing~~
5 ~~the storage shall provide the vehicle's registered and legal owners~~
6 ~~of record, or their agents, with the opportunity for a poststorage~~
7 ~~hearing to determine the validity of the storage.~~

8 ~~(1) A notice of the storage shall be mailed or personally~~
9 ~~delivered to the registered and legal owners within 48 hours,~~
10 ~~excluding weekends and holidays, and shall include all of the~~
11 ~~following information:~~

12 ~~(A) The name, address, and telephone number of the agency~~
13 ~~providing the notice.~~

14 ~~(B) The location of the place of storage and description of the~~
15 ~~vehicle, which shall include, if available, the name or make, the~~
16 ~~manufacturer, the license plate number, and the mileage.~~

17 ~~(C) The authority and purpose for the removal of the vehicle.~~

18 ~~(D) A statement that, in order to receive their poststorage~~
19 ~~hearing, the owners, or their agents, shall request the hearing in~~
20 ~~person, writing, or by telephone within 10 days of the date~~
21 ~~appearing on the notice.~~

22 ~~(2) For a legal owner participating in receiving notice under~~
23 ~~this paragraph, the notice requirements of paragraph (1) are~~
24 ~~satisfied by the public agency electronically transmitting the~~
25 ~~information set forth in paragraph (1) to the Department of Justice,~~
26 ~~Stolen Vehicle System, and the Department of Justice~~
27 ~~electronically transmitting the information to the legal owner. The~~
28 ~~Department of Justice shall determine which legal owners and~~
29 ~~their agents may participate in receiving notice under this~~
30 ~~paragraph.~~

31 ~~(e) The poststorage hearing shall be conducted within 48 hours~~
32 ~~of the request, excluding weekends and holidays. The public~~
33 ~~agency may authorize its own officer or employee to conduct the~~
34 ~~hearing if the hearing officer is not the same person who directed~~
35 ~~the storage of the vehicle.~~

36 ~~(d) Failure of either the registered or legal owner, or his or her~~
37 ~~agent, to request or to attend a scheduled hearing shall satisfy the~~
38 ~~poststorage hearing requirement.~~

39 ~~(e) The agency employing the person who directed the storage~~
40 ~~shall be responsible for the costs incurred for towing and storage~~

1 ~~if it is determined in the poststorage hearing that reasonable~~
2 ~~grounds for the storage are not established.~~

3 ~~(f) This section does not apply to vehicles abated under the~~
4 ~~Abandoned Vehicle Abatement Program pursuant to Sections~~
5 ~~22660 to 22668, inclusive, and Section 22710, or to vehicles~~
6 ~~impounded for investigation pursuant to Section 22655, or to~~
7 ~~vehicles removed from private property pursuant to Section~~
8 ~~22658.~~

9 ~~(g) This section does not apply to abandoned vehicles removed~~
10 ~~pursuant to Section 22669 which are determined by the public~~
11 ~~agency to have an estimated value of three hundred dollars (\$300)~~
12 ~~or less.~~

